

# JOINT DECLARATION FOR REISSUE PATENT APPLICATION



As the below named inventor, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled APC ANTIBODIES

the specification of which

☐ is attached hereto.

☒ was filed on May 25, 1995 as Application Serial Number 08/452,654 and was amended on \_\_\_\_\_ (if applicable).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

## Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed Under 35 U.S.C. §119
United Kingdom	9100962.1	16/01/91		YES
United Kingdom	9100963.9	16/01/91		YES
United Kingdom	9100974.6	16/01/91		YES
United Kingdom	9100975.3	16/01/91		YES

## Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Date of Filing (Day, Month, Year)	Status -- Patented, Pending, Abandoned

## Prior United States Provisional Application(s)

We hereby claim priority benefits under Title 35, United States Code, §119(e) of any provisional application for patent listed below and have also identified below any provisional application for patent having a filing date before that of the application on which priority is claimed:

Provisional Application Number	Date of Filing (day, month, year)	Priority Claimed Under 35 U.S.C. §119(e)

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Fifth Inventor CARLSON Mary  
Family Name First Given Name Second Given Name  
Residence 2074 E. Sunnyside Avenue, Salt Lake City, Utah  
Citizenship United States of America  
Post Office \_\_\_\_\_  
Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Sixth Inventor GRODEN Joanna  
Family Name First Given Name Second Given Name  
Residence 629 9th Avenue, Salt Lake City, Utah 84103  
Citizenship United States of America  
Post Office \_\_\_\_\_  
Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Seventh Inventor HEDGE Philip  
Family Name First Given Name Second Given Name  
Residence 7, Rookery Rise, Winsford, Cheshire CW7 3FA England  
Citizenship British  
Post Office \_\_\_\_\_  
Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Eighth Inventor IOSLYN Geoff  
Family Name First Given Name Second Given Name  
Residence 426 7th Avenue, Salt Lake City, Utah 84103  
Citizenship United States of America  
Post Office \_\_\_\_\_  
Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Ninth Inventor MARKHAM Alexander Fred  
Family Name First Given Name Second Given Name  
Residence 25, Booth Bed Lane, Goostrey, Crewe, Cheshire, England  
Citizenship British  
Post Office \_\_\_\_\_  
Address Same as above

Signature *Yusuka Nakamura* Date 11/13/99  
Full Name of \_\_\_\_\_  
Tenth Inventor NAKUMURA Yusuka  
Family Name First Given Name Second Given Name  
Residence 1-43-3 Matsuyama, Kiyose Tokyo 204 Japan  
Citizenship Japanese  
Post Office \_\_\_\_\_  
Address Same as above

5,691,454, is wholly or partially inoperative or invalid because of the following defects in the specification:

- the amino acid sequence provided for the APC protein in SEQ ID NO:7 of the sequence listing contains a minor error; and
- the specification refers to overlapping APC cDNA clones as "defining an ORF of 2842 amino acids" (column 4, line 31) and as coding "for a 2842 or 2844 amino acid peptide" (column 31, lines 32-33), rather than the correct number of 2843 amino acids.

(2) The correction of SEQ ID NO:7 is supported by the specification. The missing proline at position 173 in SEQ ID NO:7 is supported in the specification by the proline which is present at position 173 in SEQ ID NOS:1 and 2 and in Figure 3. In addition, routine analysis of YAC 37HG4 deposited as NCIMB 40353, referred to at column 12, lines 35-39 of U.S. Patent 5,691,454 establishes that there is, indeed, a proline at codon 173. The deposit was made under the terms of the Budapest Treaty. (See declaration of Dr. Sarah Kagan, of record in Serial No. 08/452,654, filed February 14, 1996.) One of ordinary skill in the art would have recognized the omission of the proline in SEQ ID NO:7 as a minor error by noting the inconsistency between the amino acid sequences presented in Figure 3 and in SEQ ID NOS:1 and 2 with that in SEQ ID NO:7.

(3) The error at column 4, line 31, referring to "an ORF of 2842 amino acids," occurred because of the inadvertent omission of the proline at position 173 in originally filed Figure 3. The omission of this proline resulted in the APC protein being described in the specification as having 2842 rather than 2843 amino acids.

(4) The error at column 31, lines 32-33, referring to a "2842 or 2844 amino acid peptide," occurred as follows. The application which issued as U.S. Patent 5,691,454 originally contained eight figures. In Figure 7 as originally filed, three supernumerary nucleotides were added at nucleotide positions 3972 (C), 3981 (G), and 3996 (A). As a result, the predicted amino acid sequence was erroneously stated to be "Ser Ser Val His Ser Thr Leu Glu" rather than "Ala Val Ser Gln His Pro Arg" at positions 1325 to 1331. This error resulted in an apparent sequence for the APC protein of 2844 amino acids. In combination with the omission of the proline at position 173 in originally filed Figure 3, this error resulted in the APC protein being described in the specification as a "2842 or 2844 amino acid peptide." Originally filed Figure 7 was canceled during prosecution of Serial No. 08/452,654, which issued as U.S. Patent 5,691,545.

(5) Correction of the number of amino acids in the APC protein does not add new matter to the specification. It merely renders consistent the number of amino acids shown in SEQ ID NOS:1 and 2 and the number of amino acids referred to in the specification.

(6) All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intent on the part of the applicants.

(7) We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application

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And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys who are all members of the Bar of the District of Columbia, their registration numbers being listed after their names:

Donald W. Banner, Registration No. 17,037; Edward F. McKie, Jr., Registration No. 17,335; William W. Beckett, Registration No. 18,262; Dale H. Hoscheit, Registration No. 19,090; Joseph M. Potenza, Registration No. 28,175; James A. Niegowski, Registration No. 28,331; Joseph M. Skerpon, Registration No. 29,864; Thomas L. Peterson, Registration No. 30,969; Nina L. Medlock, Registration No. 29,673; William J. Fisher, Registration No. 32,133; Thomas H. Jackson, Registration No. 29,808; Patricia E. Hong, Registration No. 34,373; Robert S. Katz, Registration No. 36,402; Brian E. Hanlon, Registration No. 40,449; Sarah A. Kagan, Registration No. 32,141 and Lisa M. Hemmendinger, Registration No. 42,653.

All correspondence and telephone communications should be addressed to: Banner & Witcoff, Ltd., Eleventh Floor, 1001 G Street, N.W., Washington, D.C. 20001-4597, telephone number (202) 508-9100, which is also the address and telephone number of each of the above listed attorneys.

Signature [Signature] Date 11/30/97  
Full Name of First Inventor VOGELSTEIN Bert  
Family Name First Given Name Second Given Name

Residence 3700 Breton Way, Baltimore, Maryland 21208

Citizenship United States of America

Post Office

Address Same as above

Signature [Signature] Date 11/30/99  
Full Name of Second Inventor KINZLER Kenneth W.  
Family Name First Given Name Second Given Name

Residence 1403 Halkirk Way, Bel Air, Maryland 21015

Citizenship United States of America

Post Office

Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of Third Inventor ALBERTSEN Hans  
Family Name First Given Name Second Given Name

Residence 744 Northcrest Drive, Salt Lake City, Utah 84103

Citizenship Denmark

Post Office

Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of Fourth Inventor ANAND Rakesh  
Family Name First Given Name Second Given Name

Residence 62 Grange Way, Sandbach, Cheshire CW11 9FS England

Citizenship British

Post Office

Address Same as above

LAW OFFICES  
BANNER & WITCOFF, LTD.  
1001 G STREET, N.W.  
WASHINGTON, D.C. 20001-4597  
(202) 508-9100

66877 6042460

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All correspondence and telephone communications should be addressed to: Banner & Witcoff, Ltd., Eleventh Floor, 1001 G Street, N.W., Washington, D.C. 20001-4597, telephone number (202) 508-9100, which is also the address and telephone number of each of the above listed attorneys.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
First Inventor VOGELSTEIN \_\_\_\_\_  
Family Name First Given Name Second Given Name

Residence 3709 Brown Way, Baltimore, Maryland 21208

Citizenship United States of America

Post Office

Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Second Inventor KINZLER \_\_\_\_\_  
Family Name Kenneth W.  
First Given Name Second Given Name

Residence 1403 Hallirk Way, Bel Air, Maryland 21015

Citizenship United States of America

Post Office

Address Same as above

Signature  Date 11-23-99  
Full Name of \_\_\_\_\_  
Third Inventor ALBERTSEN \_\_\_\_\_  
Family Name First Given Name Second Given Name

Residence 744 Northeast Drive, Salt Lake City, Utah 84103

10340 VILKESBURG DRIVE

Citizenship Denmark

Post Office

Address Same as above

CUPERTINO, CA 95014

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Fourth Inventor ANAND \_\_\_\_\_  
Family Name Rakesh  
First Given Name Second Given Name

Residence 62 Orange Way, Sandbach, Cheshire CW11 9ES England

Citizenship British

Post Office

Address Same as above

LAW OFFICES  
BANNER & WITCOFF, LTD.  
1001 G STREET, N.W.  
WASHINGTON, D.C. 20001-4597  
(202) 508-9100

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of First Inventor CARLSON Mary  
Family Name First Given Name Second Given Name

Residence 2074 E. Sunnyside Avenue, Salt Lake City, Utah

Citizenship United States of America  
Post Office Address Same as above

Signature [Signature] Date 11/22/99  
Full Name of Sixth Inventor CRONIN Joseph  
Family Name First Given Name Second Given Name

Residence 629 9th Avenue, Salt Lake City, Utah 84103

Citizenship United States of America  
Post Office Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of Seventh Inventor HEPDE Philip  
Family Name First Given Name Second Given Name

Residence 7 Baskerville Way, Wokingham, Berkshire RG40 3PA, England

Citizenship British  
Post Office Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of Eighth Inventor JOSELYN Frank  
Family Name First Given Name Second Given Name

Residence 426 7th Avenue, Salt Lake City, Utah 84103

Citizenship United States of America  
Post Office Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of Ninth Inventor MARKHAM Alexander Paul  
Family Name First Given Name Second Given Name

Residence 25 Booth Road Lane, Gwent, Gwent, Gwent, England

Citizenship British  
Post Office Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of Tenth Inventor NAKUMURA Yusaku  
Family Name First Given Name Second Given Name

Residence 1-42-3 Musuyama, Kiyose Tokyo 204 Japan

Citizenship Japanese  
Post Office Address Same as above

LAW OFFICES  
BANNER & WILCOFF, LTD.  
1801 C STREET, N.W.  
WASHINGTON, D.C. 20001-4597  
(202) 508-9100

658111-6372460

Signature Mary S. Carlson Date 11/22/99  
Full Name of PIH Inventor CARLSON  
Family Name First Given Name Second Given Name

Residence 2074 H. Sunnyside Avenue Salt Lake City Utah  
Citizenship United States of America  
Post Office \_\_\_\_\_  
Address Same as above

Signature \_\_\_\_\_ Date: \_\_\_\_\_  
 Full Name of \_\_\_\_\_  
 Sixth Inventor \_\_\_\_\_  
 GRODEN \_\_\_\_\_  
 Family Name \_\_\_\_\_  
 JEROME \_\_\_\_\_  
 First Given Name \_\_\_\_\_  
 \_\_\_\_\_  
 Second Given Name \_\_\_\_\_

**Residence** 622 9th Avenue Salt Lake City Utah 84103

**Citizenship** United States of America

**Post Office Address** Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Seventh Inventor REDGE Miller  
Family Name First Given Name Second Given Name

**Residence** 7, Bostrey Rise, Wokingham, Berkshire CW7 3BA England

**Citizenship** British

**Post Office Address** Same as above

Signature \_\_\_\_\_  
 Full Name of \_\_\_\_\_  
 Eight Inventor \_\_\_\_\_ Date \_\_\_\_\_  
 Family Name \_\_\_\_\_  
 First Given Name \_\_\_\_\_  
 Second Given Name \_\_\_\_\_

Residence 426 7th Avenue, Salt Lake City, Utah 84103  
Citizenship United States of America  
Post Office \_\_\_\_\_  
Address Same as above

Signature \_\_\_\_\_ Date: \_\_\_\_\_  
 Full Name of \_\_\_\_\_  
 Ninth Inventor \_\_\_\_\_  
 Family Name **MARKHAM** First Given Name **Alexander** Second Given Name \_\_\_\_\_

Residence 25, Bath Road Lane, Goomrey Green, Cheshire, England  
Citizenship British  
Post Office Address Same as above.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Tooth Inspector \_\_\_\_\_  
Family Name \_\_\_\_\_  
First Given Name \_\_\_\_\_  
Second Given Name \_\_\_\_\_

Residence 1-43-3 MARUYAMA Kiyoo Tokyo 204 Japan  
 Citizenship JAPANESE  
 Post Office \_\_\_\_\_  
 Address SAME AS ABOVE

LAW OFFICES  
BANNER & WITCOFF, LTD.  
1001 6 STREET, N.W.  
WASHINGTON, D.C. 20001-4097  
(202) 504-8100

Signature \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Fifth Inveiglox \_\_\_\_\_  
\_\_\_\_\_ **CARLSON** \_\_\_\_\_  
Family Name \_\_\_\_\_  
\_\_\_\_\_ Mary \_\_\_\_\_  
First Given Name \_\_\_\_\_  
\_\_\_\_\_ Second Given Name \_\_\_\_\_  
Residence 2074 B. Sunnyside Avenue, Salt Lake City, Utah  
Citizenship United States of America  
Post Office \_\_\_\_\_  
Address Same as above

Signature \_\_\_\_\_  
Full Name of \_\_\_\_\_  
First Investor \_\_\_\_\_  
Date \_\_\_\_\_  
Family Name \_\_\_\_\_  
First Given Name \_\_\_\_\_  
Second Given Name \_\_\_\_\_  
Residence 629 9th Avenue Salt Lake City Utah 84109  
Citizenship United States of America  
Post Office \_\_\_\_\_  
Address Same as above

Signature \_\_\_\_\_  
Full Name of \_\_\_\_\_ Date \_\_\_\_\_  
Source Investor HEDDER  
Family Name \_\_\_\_\_ Title \_\_\_\_\_  
First Given Name \_\_\_\_\_ Second Given Name \_\_\_\_\_  
Residence 7 Bookery Rise, Walsford, Cheshire CW7 3PA England  
Citizenship British  
Post Office \_\_\_\_\_  
Address Same as above

Signature [Signature] Date 11/23/99  
Full Name of Inventor JOSELYN  
Right Inventor Family Name First Given Name Second Given Name  
Residence 426 7th Avenue, Salt Lake City, Utah 84103 1606 LANDQUIST DR  
Citizenship United States of America ENCINITAS CA 92024  
Post Office Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Ninth Inventor MARHAM Alexander First  
Family Name First Given Name Second Given Name  
Residence 25 North Red Lane, Gouthray, Cumber, Cheshire, England  
Citizenship British  
Post Office \_\_\_\_\_  
Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Tooth Inspector NAKUMURA Family Name \_\_\_\_\_  
Yusaku \_\_\_\_\_  
First Given Name \_\_\_\_\_  
Residence 1-43-3 Makunuma Kiyako Tokyo 204 Japan Second Given Name \_\_\_\_\_  
Citizenship Japanese  
Post Office \_\_\_\_\_  
Address Same as above

**LAW OFFICES  
BANKER & WITCOFF, LTD.  
1001 G STREET, N.W.  
WASHINGTON, D.C. 20001-4507  
(202) 546-9100**



11/24/99 WED 13:07 FAX 801 581 7538

UofU/TECH TRANSFER

011  
P. US

11/17/99, WED 11:07 FAX 801 581 7538

UofU/TECH TRANSFER

007

Date

Signature

Full Name of  
Eligible Inventor

THOMPSON  
Family Name

ANDREW  
First Given Name

Second Given Name

Residence 1704 S 2140 E Salt Lake City, Utah 84109

Citizenship United States of America

Post Office

Address Same as above

Date 11/19/99

Signature

Full Name of  
Tech Inventor

WHITE  
Family Name

Raymond  
First Given Name

Second Given Name

Residence 711 18th Avenue Salt Lake City, Utah 84103

Citizenship United States of America

Post Office

Address Same as above

604446-1189

LAW OFFICES  
BANNER & WYCKOFF, LTD.  
1001 G STREET, N.W.  
WASHINGTON, D.C. 20001-4527  
(202) 800-8100

11/23/99 TUE 14:03 FAX 801 581 7538

UofU/TECH TRANSFER

007

Signature [Signature] Date 11/24/99  
 Full Name of THE INVENTOR  
 Surname Inventor Family Name First Given Name Second Given Name  
 Residence 3704 E 2140 E Salt Lake City Utah 84109  
 Citizenship United States of America  
 Post Office Address Same as above

Signature [Signature] Date 11/24/99  
 Full Name of WHITE  
 Surname Inventor Family Name First Given Name Second Given Name  
 Residence 711 12th Avenue Salt Lake City Utah 84102  
 Citizenship United States of America  
 Post Office Address Same as above

6544249-111399

LAW OFFICES  
 BANNER & WITCOFF, LTD.  
 1001 B STREET, N.W.  
 WASHINGTON, D.C. 20001-4887  
 (202) 368-2100

Date \_\_\_\_\_

Signature \_\_\_\_\_  
 Full Name of Fifth Inventor CARLSON Mary Second Given Name  
 Family Name First Given Name

Residence 2074 E. Sunnyside Avenue, Salt Lake City, Utah

Citizenship United States of America  
 Post Office Address Same as above

Date \_\_\_\_\_

Signature \_\_\_\_\_  
 Full Name of Sixth Inventor GRODEN Joanna Second Given Name  
 Family Name First Given Name

Residence 629 9th Avenue, Salt Lake City, Utah 84103

Citizenship United States of America  
 Post Office Address Same as above

Date \_\_\_\_\_

Signature \_\_\_\_\_  
 Full Name of Seventh Inventor HEDGE Philip Second Given Name  
 Family Name First Given Name

Residence 7, Rookery Rise, Winsford, Cheshire CW7 3BA England

Citizenship British  
 Post Office Address Same as above

Date \_\_\_\_\_

Signature \_\_\_\_\_  
 Full Name of Eighth Inventor JOSLYN Geoff Second Given Name  
 Family Name First Given Name

Residence 426 7th Avenue, Salt Lake City, Utah 84103

Citizenship United States of America  
 Post Office Address Same as above

Date FA NOVEMBER 1999

Signature A. Markham  
 Full Name of Ninth Inventor MARKHAM Alexander Second Given Name  
 Family Name First Given Name

Residence 25, Booth Bed Lane, Goostrey, Crewe, Cheshire, England

Citizenship British  
 Post Office Address Same as above

Date \_\_\_\_\_

Signature \_\_\_\_\_  
 Full Name of Tenth Inventor NAKUMURA Yusuka Second Given Name  
 Family Name First Given Name

Residence 1-43-3 Matsuyama, Kiyose Tokyo 204 Japan

Citizenship Japanese  
 Post Office Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Fifth Inventor CARLSON Mary \_\_\_\_\_  
Family Name First Given Name Second Given Name

Residence 2074 E. Sunnyside Avenue, Salt Lake City, Utah  
Citizenship United States of America  
Post Office \_\_\_\_\_  
Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Sixth Inventor GRODEN Joanna \_\_\_\_\_  
Family Name First Given Name Second Given Name

Residence 629 9th Avenue, Salt Lake City, Utah 84103  
Citizenship United States of America  
Post Office \_\_\_\_\_  
Address Same as above

Signature Philip Hedge Date 12th November 1999  
Full Name of \_\_\_\_\_  
Seventh Inventor HEDGE Philip \_\_\_\_\_  
Family Name First Given Name Second Given Name

Residence 7, Rookery Rise, Winaford, Cheshire CW7 3EA England  
Citizenship British  
Post Office \_\_\_\_\_  
Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Eighth Inventor IOSLYN Geoff \_\_\_\_\_  
Family Name First Given Name Second Given Name

Residence 426 7th Avenue, Salt Lake City, Utah 84103  
Citizenship United States of America  
Post Office \_\_\_\_\_  
Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Ninth Inventor MARKHAM Alexander Fred \_\_\_\_\_  
Family Name First Given Name Second Given Name

Residence 25, Booth Bed Lane, Goostrey, Crewe, Cheshire, England  
Citizenship British  
Post Office \_\_\_\_\_  
Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Tenth Inventor NAKUMURA Yusuka \_\_\_\_\_  
Family Name First Given Name Second Given Name

Residence 1-43-3 Matsuyama, Kiyose Tokyo 204 Japan  
Citizenship Japanese  
Post Office \_\_\_\_\_  
Address Same as above

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Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
First Inventor VOGELSTEIN Bert  
Family Name First Given Name Second Given Name

Residence 3700 Berton Way, Baltimore, Maryland 21208

Citizenship United States of America

Post Office

Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Second Inventor KINZLER Kenneth W.  
Family Name First Given Name Second Given Name

Residence 1403 Halkirk Way, BelAir, Maryland 21015

Citizenship United States of America

Post Office

Address Same as above

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of \_\_\_\_\_  
Third Inventor ALBERTSEN Hans  
Family Name First Given Name Second Given Name

Residence 744 Northerest Drive, Salt Lake City, Utah 84103

Citizenship Denmark

Post Office

Address Same as above

Signature Rakesh Anand Date 12<sup>th</sup> November, 1999  
Full Name of \_\_\_\_\_  
Fourth Inventor ANAND Rakesh  
Family Name First Given Name Second Given Name

Residence 62 Grange Way, Sandbach, Cheshire CW11 9FS England

Citizenship British

Post Office

Address Same as above

LAW OFFICES  
BANNER & WITCOFF, LTD.  
1001 G STREET, N.W.  
WASHINGTON, D.C. 20001-4597  
(202) 508-9100

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. Letters Patent of

ALBERTSEN *et al.*

U.S. Letters Patent No. 5,691,454  
(Serial No. 08/452,654)

Issued: November 25, 1997  
(Filed: May 25, 1995)

For: **APC ANTIBODIES**



) ATTN: Applications Branch

) Previous Examiner: N. Johnson

) Atty. Dkt. No. 01107.78817

**ASSENT OF ASSIGNEES TO THE REISSUE APPLICATION**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

The undersigned, ZENECA, LTD.; THE CANCER INSTITUTE, JAPANESE FOUNDATION FOR CANCER RESEARCH; THE JOHNS HOPKINS UNIVERSITY; and THE UNIVERSITY OF UTAH, being assignees of record of total interest in the above-identified application as shown by the Assignment of parent application Serial No. 07/741,940 recorded at Reel 6028 , Frames 0653, 0655, 0658, and 0661, and at Reel 6965, Frame 0039, hereby consent to the filing for the Reissue Application filed concomitantly herewith. Each of the undersigned has authority to act on behalf of the designated assignees.

\_\_\_\_\_  
ZENECA, LTD.

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
THE CANCER INSTITUTE, JAPANESE FOUNDATION  
FOR CANCER RESEARCH

  
\_\_\_\_\_  
Date



11/24/99

THE JOHNS HOPKINS UNIVERSITY

Date

THE UNIVERSITY OF UTAH

Date

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THE JOHNS HOPKINS UNIVERSITY

Date

*Chris Jones*  
THE UNIVERSITY OF UTAH

11/18/99

Date



**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. Letters Patent of

ALBERTSEN *et al.*U.S. Letters Patent No. 5,691,454  
(Serial No. 08/452,654)Issued: November 25, 1997  
(Filed: May 25, 1995)

For: APC ANTIBODIES



ATTN: Applications Branch

Previous Examiner: N. Johnson

Atty. Dkt. No. 01107.78817

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D. E. GILES, Authorized Signatory  
ZENECA, LTD.

12<sup>th</sup> November 1999.

Date

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THE CANCER INSTITUTE, JAPANESE FOUNDATION  
FOR CANCER RESEARCH

Date